IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

FRIDAY, THE 4TH MAY 2007 / 14TH VAISAKHA 1929

WP(C).No. 14292 of 2007(B)

PETITIONER:

THE PLANTATION CORPORATION OF KERALA LTD.,REGD.OFFICE AT PLANTATION CORPORATION BUILDING,KOTTAYAM 686004,REPRESENTED BY ITS MANAGING DIRECTOR-MR.BABU THOMAS

BY ADV. SRI.JOSEPH KODIANTHARA
SRI.TERRY V.JAMES

RESPONDENTS:
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1. **THE ASSISTANT PROVIDENT FUND COMMISSIONER, OFFICE OF THE ASST. PROVIDENT FUND COMMISSIONER EMPLOYEES PROVIDENT FUND ORGANISATION,P.B.NO.117,FORT BUILDING, V.K.OMPLEX,FORT ROAD,KANNUR-670 001,KERALA.**

2. **EMPLOYEES PROVIDENT FUND APPELLATE TRIBUNAL, 7TH FLOOR, 60,SKYLARK BUILDING,NEHRU PLACE, NEW DELHI-110019.**

3. **MINISTRY OF LABOUR, GOVERNMENT OF INDIA,SRAM SHAKTHI BHAVAN, NEW DELHI-110 001.**

BY GOVERNMENT PLEADER SRI.BASANT BALAJI

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

T.R.RAMACHANDRAN NAIR, J .

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W.P.(C).No.14292 OF 2007-B.

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Dated this the 4th day of May, 2007.

J U D G M E N T

The writ petition is filed by the petitioner aggrieved by the orders produced as Exts.P1, P3 and P5. The petitioner is a Public Sector Government owned Company. The 1st respondent passed an order Ext.P1 under Section 14B of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 imposing levy of damages. The petitioner has challenged the same as per Ext.P2 before the 2nd respondent, by filing statutory appeal . The petitioner has also sought for stay of operation of Ext.P1 order. Subsequently, the 1st respondent has passed another order under Sec.7Q of the Act, which is produced as Ext.P3.

2. The grievance of the petitioner is that in spite of filing of appeal and stay petition, the 1st respondent has initiated coercive steps for recovery of damages and interest which is evident from Ext.P5. The petitioner also submits that if the recovery steps are not stayed it will adversely affect the interest of the petitioner.

3. Therefore, the writ petition is disposed of directing the 2nd respondent to pass orders on the appeal Ext.P2 or on the request of the petitioner for staying the proceedings within a period of three months from the date of receipt of a copy of this judgment. Till then the operation of Exts.P1, P3 and P5 shall stand stayed.

T.R.RAMACHANDRAN NAIR, JUDGE.

kvs/-